

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Jerry Dempsey McIntyre,	)	
	)	
Plaintiff,	)	C/A No. 4:11-cv-01573-TLW
	)	
vs.	)	
	)	
	)	
Horry County, South Carolina;	)	
Phillip Thompson, Sheriff;	)	
Jim Simmons, SCHP	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Plaintiff, Jerry Dempsey McIntyre (“plaintiff”), brought this civil action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983, on June 27, 2011. (Doc. #1). Plaintiff is a former state pretrial detainee who is not currently incarcerated.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Kaymani D. West, to whom this case had previously been assigned. (Doc. #65). In the Report, the Magistrate Judge recommends that this Court grant the Motion for Summary Judgment (Doc. #51) filed by the Defendants, Horry County, South Carolina; Phillip Thompson, Sheriff; and Jim Simmons, SCHP (collectively “defendants”), and dismiss this action. (Doc. #65). The plaintiff filed objections to the Magistrate Judge’s Report on October 29, 2012. (Doc. #67).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting

its review, this Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, this Court has reviewed, de novo, the Report and the objections thereto. After careful review, this Court **ACCEPTS** the Report. (Doc. #65). Therefore, for the reasons articulated by the Magistrate Judge, the defendants' Motion for Summary Judgment (Doc. #51) is **GRANTED** and this case is **DISMISSED**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
TERRY L. WOOTEN  
United States District Judge

November 30, 2012  
Florence, South Carolina